

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ILLINOIS  
East Saint Louis Division

William A White

Plaintiff

v

United States of America

Defendant

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Case No 16-cv-948

Judge Gilbert

MOTION TO AMEND COMPLAINT PURSUANT  
TO FED.R.CRIM.P 15(a)(1)  
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Comes Now the Plaintiff, William A White, and, I move this Court pursuant to Fed.R.Crim.P 15(a)(1) to amend the complaint so as to strike page 5, the first page of the Statement of the Claim, and, replace it with the attached pages 5, and, 5a.

Though this is an amendment of right, it is also for good cause. The amended pages clarify the specific Illinois state torts under which I am proceeding, and, clarify that Post Traumatic Stress is a physical, neurological, injury, and, not mental, or, emotional, in nature.

Respectfully Submitted,



William A White

CERTIFICATE OF SERVICE  
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I hereby certify under penalty of perjury that this Motion To Amend Complaint Pursuant To Fed.R.Crim.P. 15(a)(1) was mailed to the Clerk of the Court, 1st Class Postage Prepaid, for posting upon the electronic filing system this 26th day of September, 2016.



William A White

This is claim against the United States of America pursuant to the Federal Tort Claims Act, and, the following Illinois state torts under the continuing tort doctrine:

- 1) Torture;
- 2) Intentional infliction of physical injury;
- 3) Negligent infliction of physical injury;
- 4) Intentional infliction of serious emotional distress;
- 5) Negligent infliction of serious emotional distress;
- 6) General negligence, and, breach of duty of care;
- 7) Loss of normal life;
- 8) Any other tort that the Court can construe from a liberal reading of the facts of this pro se petition.

The injuries alleged occurred on a continuing basis between Oct 17, 2008, and, June 8, 2015. They were discovered on, or, about, February 6, 2016. Exh B.

There is some factual intersection between this matter and MD Fl Case No 14-cv-936, a Bivens action against two US Marshals, a Florida County, and, two Florida Sheriffs. However, the Court clearly ruled that relief under the FTCA was not available in that action, and, thus, there is no bar to incorporating the factual basis of that action into this proceeding.

Since my original filing, I have become aware of a proceeding brought in the Northern District of Illinois, Nolan v United States ND Ill Case No 12-cv-0247, where an inmate suffered similar injuries to those received here simply from the normative conditions of the MCC-Chicago SHU near in time to the periods I was housed there.

Post-Traumatic Stress, particularly at the severity at which

I suffer from it, is a physical, neurological, injury, and, not a mental, or, emotional, one. District Courts in the Seventh Circuit have found that PTSD is a "severe, and, disabling, neurological response to trauma." Dougan v Pollard 2013 US Dist LEXIS 180937 (WD Wi 2013) citing Rainville, Christina, Using Undiagnosed Post-Traumatic Stress To Prove Your Case Child Law Pract. (Aug 2012). The Seventh Circuit has found that "According to the National Institute of Mental Health, 'PTSD develops after a terrifying ordeal that involved physical harm, or, the threat of physical harm.'" Townsend v Cooper 759 F 3d 678 (7th Cir 2013). Every Circuit Court to consider the issue has found that Post-Traumatic Stress is a neurological injury. "[PTSD] is a very serious condition ... It entails some basic neurological changes in response to ongoing, and, repeated, stress, so that one's normal arousal mechanism has permanently changed." O'Rourke v City of Providence 235 F 3d 713 (1st Cir 2001); also Lockett v Trimmel 711 F 3d 1218 (10th Cir 2013) (post-traumatic stress affects brain development), Healind v Ryan 750 F 3d 793 (9th Cir 2012) (neurological impairment may result from PTSD).

In this Circuit, there is one unpublished District Court opinion which is, frankly, wrongfully decided, stating the opposite, Michalezewski v CSX Transportation, Inc 2007 US Dist LEXIS 100567 (ND Ill 2007). This case has been applied to frivolous prisoner lawsuits, like the claim that someone suffered PTSD from losing their job as an education clerk. This is not that kind of lawsuit, and, if the fact is placed in dispute, the evidence will show that my Post-Traumatic Strss is a physical, neurological, injury.

I hereby aver under penalty of perjury this 26th day of September, 2016, that the following is true to the best of my knowledge and ability:

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**SEP 29 2016**

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

William A White #13888-084  
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Marion, IL 62959



MAIL CLEARED  
US MARSHALS

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LEGATMAN